

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**B.P.J., by her next friend and mother,  
HEATHER JACKSON,**

**Plaintiff,**

**v.**

**Civil Action No. 2:21-cv-00316  
Honorable Joseph R. Goodwin**

**WEST VIRGINIA STATE BOARD OF  
EDUCATION; HARRISON COUNTY  
BOARD OF EDUCATION; WEST  
VIRGINIA SECONDARY SCHOOL  
ACTIVITIES COMMISSION; W.  
CLAYTON BURCH, in his official  
capacity as State Superintendent; and  
DORA STUTLER, in her official capacity  
as Harrison County Superintendent,**

**Defendants.**

**DEFENDANTS WEST VIRGINIA STATE BOARD OF EDUCATION AND  
SUPERINTENDENT W. CLAYTON BURCH'S MOTION TO DISMISS**

**NOW COME** Defendants West Virginia State Board of Education and Superintendent W. Clayton Burch (collectively hereinafter "WVBOE"), by and through counsel, Kelly C. Morgan, Michael W. Taylor, Kristen V. Hammond, and the law firm of Bailey & Wyant, P.L.L.C., pursuant to Rule 12(b)(1) and (6) of the *Federal Rules of Civil Procedure*, and hereby move to dismiss these parties from this matter with prejudice because this Court lacks subject-matter jurisdiction over these parties on the basis of standing, ripeness and that the parties are duplicative. Said reasons are more fully presented in the contemporaneously filed Memorandum of Law in Support.

**WHEREFORE**, based upon the foregoing and the reasons asserted in the contemporaneously filed Memorandum of Law in Support, these Defendants pray this Court will

enter an Order dismissing them from this case with prejudice, as well as all other relief deemed just and proper.

**Respectfully Submitted,**

**DEFENDANTS WEST VIRGINIA  
STATE BOARD OF EDUCATION  
and W. CLAYTON BURCH**

**By Counsel,**

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CLAYTON BURCH, in his official  
capacity as State Superintendent; and  
DORA STUTLER, in her official capacity  
as Harrison County Superintendent,**

**Defendants.**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of foregoing “**Defendant West Virginia State Board of Education and Superintendent W. Clayton Burch’s Motion to Dismiss**” was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, Thursday, July 1, 2021:

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